

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF RHODE ISLAND

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In re:

CHRISTOPHER HUNTINGTON : BK No. 08-13858  
Debtor Chapter 7

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## ORDER

Heard on the Debtor's Objection and Motion for Summary Judgment in Regard to Motion for Relief from Stay and Cross Motion for Summary Judgment filed by Creditor, Oscar Sahagian. Upon consideration of the arguments, the applicable law, and based on the present record in this case, I find that there exist genuine issues of material fact in the position of both, which precludes disposition of this matter on summary judgment. See Fed. R. Bankr. P. 7056 and Fed. R. Civ. P. 56(c). Accordingly, the Debtor's Motion for Summary Judgment is **DENIED**, and the Creditor's Cross Motion for Summary Judgment is, likewise, **DENIED**. As a result, Sahagian's Motion for Relief for Stay is scheduled for hearing on the merits on October 29, 2009. A Joint Pre-Trial Order is due on October 22, 2009.

Entered as an Order of this Court, this 14<sup>th</sup> day of September, 2009.

Arthur N. Votolato  
U.S. Bankruptcy Judge

Entered on Docket: 9/14/2009